

**ERIE COUNTY LEGISLATURE  
MEETING NO. 2  
JANUARY 19, 2006**

The Legislature was called to order by Chairman Marinelli.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Mr. Ranzenhofer

Item 1 – CHAIRMAN MARINELLI directed that the Designation of Newspapers be Received, Filed and Printed.

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the **Front Page**, published in Lackawanna, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2006.

Daniel Kozub  
1<sup>st</sup> District

Timothy M. Kennedy  
2<sup>nd</sup> District

George A. Holt, Jr.  
3<sup>rd</sup> District

Kathy Konst  
5<sup>th</sup> District

Maria R. Whyte  
6<sup>th</sup> District

Demone A. Smith  
7<sup>th</sup> District

Timothy J. Mazur  
8<sup>th</sup> District

Cynthia Locklear  
9<sup>th</sup> District

Michele Iannello  
10<sup>th</sup> District

Lynn M. Marinelli  
11<sup>th</sup> District

Robert Reynolds  
12<sup>th</sup> District

Thomas Loughran  
14<sup>th</sup> District

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the following newspaper, **Lancaster Bee**, published in Lancaster, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2006, effective January 23, 2006.

Daniel Kozub  
1<sup>st</sup> District

Timothy M. Kennedy  
2<sup>nd</sup> District

George A. Holt, Jr.

Kathy Konst

**MEETING NO. 2  
JANUARY 19, 2006**

**ERIE COUNTY LEGISLATURE**

3<sup>rd</sup> District

Maria R. Whyte  
6<sup>th</sup> District

Michele Iannello  
10<sup>th</sup> District

Robert Reynolds  
12<sup>th</sup> District

5<sup>th</sup> District

Demone A. Smith  
7<sup>th</sup> District

Cynthia Locklear  
9<sup>th</sup> District

Lynn M. Marinelli  
11<sup>th</sup> District

Thomas Loughran  
14<sup>th</sup> District

January 5, 2006

We, the undersigned, a Majority Caucus of the Minority Caucus of the Erie County Legislature, do hereby designate the **Amherst Bee**, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2006.

MICHAEL H. RANZENHOFER  
4<sup>th</sup> District

JOHN J. MILLS  
13<sup>th</sup> District

BARRY A. WEINSTEIN  
15<sup>th</sup> District

January 5, 2006

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature, do hereby designate the Southtowns Citizen, published in Orchard Park, New York, having general circulation in the County of Erie, as the official newspaper effective January 1, 2006 for the publication of Concurrent Resolutions.

MICHAEL H. RANZENHOFER  
4<sup>th</sup> District

JOHN J. MILLS  
13<sup>th</sup> District

BARRY A. WEINSTEIN  
15<sup>th</sup> District

**MEETING NO. 2  
JANUARY 19, 2006**

**ERIE COUNTY LEGISLATURE**

Item 2 – CHAIRMAN MARINELLI directed that the Rules of the Legislature for 2006 remain on the table.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – MS. WHYTE moved for the approval of the minutes for Meeting 32 of 2005 and Meeting 1 for 2006. MR. REYNOLDS seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Item 5 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 6 – HOLT & SMITH presented a resolution In Memory of Luke Brown.

Item 7 - SMITH & HOLT presented a resolution Honoring Judge Gwendolyn M. Bright Upon Being Sworn Into Another Consecutive 10-Year Term as Judge of the Court of Common Pleas in Pennsylvania.

Item 8 – MR. LOUGHRAN presented a resolution In Memory of Frank J. Sarago.

Item 9 – MR. LOUGHRAN presented a resolution In Memory of William "Sarge" Bambach Jr.

Item 10 - MARINELLI & KONST presented a resolution Honoring Mary Grace Furtney Upon Receiving a Youth Award From the National Conference for Community & Justice of Western New York.

MS. WHYTE moved for consideration of the above five items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above five items with Et Al Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for the approval of the above five items as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 11 – CHAIRMAN MARINELLI directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 12 – CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 13 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 14 – MS. LOCKLEAR presented the following report and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

JANUARY 10, 2006

HEALTH COMMITTEE  
 REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 1M-11 (2006)  
**NYS SUPREME COURT:** Memorandum Decision of ECMCC vs. COE  
 (4-0)
  2. COMM. 1E-22 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, pursuant to Section 209-bb of the General Municipal Law, the Erie County Departments of Health and Emergency Services are authorized to establish the Specialized Medical Assistance Response Team (S.M.A.R.T.) under the coordination of the Department of Emergency Medicine at the Erie County Medical Center to respond to actual and potential medical emergencies throughout Erie County and Western New York upon request of the Incident Commander who is in charge of the emergency and/or according to previously established agreements, and

WHEREAS, S.M.A.R.T. was established July 8, 2003 pursuant to Resolution Comm. 14E-29, and

WHEREAS, Resolution, Comm. 14E-29, authorized that any monies received by the team as donations will be accountable to the Commissioner of Health, or his designees, and said monies shall be used for the betterment of S.M.A.R.T., and

WHEREAS, monies donated have been deposited into SAP Account 205400 – Unclassified Cash Receipts in the Trust & Agency fund totaling \$442, and

WHEREAS, S.M.A.R.T. has requested that the funds be transferred to the ECMC LIFELINE Foundation, 462 Grider Street, Buffalo, NY, for the purpose of providing for the betterment of the organization.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Health Commissioner is hereby authorized to transfer \$442 from SAP Account 205400 – Unclassified Cash Receipts in the Trust & Agency fund to EMS Division SAP Account 530000 – Other, for the purpose of transferring said funding to ECMC LIFELINE Foundation, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
 (4-0)

3. COMM. 1E-23 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health has been awarded a continuation grant award in the amount of \$320,227 from the New York State Department of Health to enroll persons without insurance into the Child and Family Health Plus insurance programs, and

WHEREAS, the Erie County Department of Health wishes to enter into a continuation subcontract with Healthy Community Alliance, Inc. in the amount of \$35,496 for the purpose of performing at least 250 Child Health Plus, Family Health Plus or Medicaid applications for the period 1/1/06 – 12/31/06, and

WHEREAS, this continuation grant award authorizes budgetary and personnel staffing adjustments, and

WHEREAS, the New York State Department of Health has approved the transfer of one full time position of Jr. Executive Assistant – 55A, JG 12, Women’s Health Services, position number 5319, from the Women’s Health Services Grant, SAP Title 127WOMENHLTH2006, to the Facilitated Enrollment Grant, SAP Title 127FACENROLL2006.

NOW, THEREFORE, BE IT

RESOLVED, that one full time position of Jr. Executive Assistant – 55A, JG 12, is hereby deleted from the Women’s Health Services Grant, SAP Title 127WOMENHLTH2006, and that one

full time position of Jr. Executive Assistant – 55A, JG 12, is hereby created on B100 control #1724, in the Facilitated Enrollment Grant, SAP Title 127FACENROLL2006, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised contract with the New York State Health Department which authorizes the following budgetary adjustments:

**Facilitated Enrollment Program  
1/1/06 – 12/31/06  
SAP TITLE: 127FACENROLL2006**

SAP	REVENUE	CURRENT BUDGET	CHANGE \$	REVISED BUDGET
409000	State Aid Revenues	\$ <u>320,227</u>	\$0	\$ <u>320,227</u>
	<b>Total</b>	<u>\$ 320,227</u>	<u>\$0</u>	<u>\$ 320,227</u>

**EXPENSES**

500000	Personal Services	\$ 135,672	\$93,440	\$ 229,112
502000	Fringe Benefits	54,269	37,375	91,644
505000	Office Supplies	1,500	-204	1,296
510000	Travel & Mileage	9,000	0	9,000
510100	Out Of Area Travel	2,000	-60	1,940
516010	Contract Payments- Non Professional	33,496	2,000	35,496
516020	Professional Service Contracts	10,000	-8,000	2,000
530000	Other	51,290	-51,290	0
561410	Lab & Tech Equipment	10,000	-10,000	0
561420	Office Equipment	5,000	-4,000	1,000
912790	Id - Health Grants	0	-55,721	-55,721
980000	Id - DISS	<u>8,000</u>	<u>-3,540</u>	<u>4,460</u>
	<b>TOTAL</b>	<u>\$ 320,227</u>	<u>\$ 0</u>	<u>\$ 320,227</u>

**HEALTH**

**EXPENSES**

912790	ID - Health Grants	57,646	55,721	113,367
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**REVENUE**

416120	Primary Care Services	1,099,945	55,721	1,155,666
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and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a continuation subcontract with Healthy Community Alliance, Inc. in the amount of \$35,496 for the purpose of performing at least 250 Child Health Plus, Family Health Plus or Medicaid applications for the period 1/1/06 – 12/31/06, and be it further

RESOLVED, that the subcontract with, Healthy Community Alliance is a special service which must be provided immediately and continuously and was originally proposed to the granting agency and is now expected by the granting agency to complete the grant deliverables and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
(4-0)

4. COMM. 1E-24 (2006)

**COUNTY EXECUTIVE**

WHEREAS, The Erie County Department of Health's HIV/AIDS Regional Training Center, a grant fully funded by the New York State Department of Health/AIDS Institute, is reorganizing the program's support staff, and

WHEREAS, in order to efficiently provide HIV training services and technical assistance to Western New York health & human service providers and community members and to furnish the knowledge and skills to protect Erie County and Western New York residents from HIV infection and provide care to persons living with HIV and AIDS, it is necessary to create one Regular Part Time (RPT) Clerk Typist position JG 1, Step 1 and delete one vacant Full-Time position of HIV Tech Support Specialist, JG 5 (position number 51001595).

The following personnel detail is hereby submitted:

TITLE: RPT Clerk Typist	FUNDING: 100% NYSDOH/AIDS Institute
JG: 1	CIVIL SERVICE: Yes
STEP: 1	CIVIL SERVICE LIST: Recall List
ANNUAL SALARY: \$23,606	
ANNUAL BENEFITS: \$11,803	

NOW, THEREFORE, BE IT

RESOLVED, that sufficient funds are available in the grant budget to cover the costs of these salary and fringe benefits, and be it further

RESOLVED, that one Regular Part Time (RPT) position of Clerk Typist JG 1, Step 1, is hereby created on B100 control number 1409, and one vacant Full-Time position of HIV Tech

Support Specialist, JG 5 (position number 51001595) is hereby deleted on B100 control number 1431, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
 (4-0)

5. COMM. 1E-30 (2006)  
**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following individual to the Erie County Medical Center Corporation Board of Directors for a term of five (5) years beginning January 1, 2006.

Sharon Hanson  
 Adelpia Cable Communications  
 355 Chicago Street  
 Buffalo, New York 14204

(4-0)

6. COMM. 1E-31 (2006)  
**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following individual to the Erie County Medical Center Corporation Board of Directors for a term of five (5) years beginning January 1, 2006.

Douglas Baker  
 959 Sheridan Drive  
 Williamsville, New York 14221

(4-0)

**CYNTHIA LOCKLEAR**  
**CHAIRPERSON**

MS. LOCKLEAR moved to separate item number 3 and moved the balance of the report.  
 MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. LOCKLEAR moved to return item number 3 to the HEALTH COMMITTEE for further consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. HOLT presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 9

JANUARY 12, 2006

GOVERNMENT AFFAIRS COMMITTEE  
 REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR RANZENHOFER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 27E-4 (2005)  
**COMPTROLLER:** Copy of Letter to BOE Commissioners Re: Audit of Operations  
 (3-0)
  - b. COMM. 27M-6 (2005)  
**BUFFALO NIAGARA PARTNERSHIP:** Copy of Letter to Charter Review Commission  
 Re: A Plan For Moving On  
 (3-0)
  - c. COMM. 28E-10 (2005)  
**COMPTROLLER:** Systems Account Position  
 (3-0)
  - d. COMM. 32D-11 (2005)  
**COUNTY ATTORNEY:** 2005 Budget Related Litigation  
 (3-0)
  - e. COMM. 1M-4 (2006)  
**NYSAC:** County Organization in NYS  
 (3-0)

2. COMM. 1E-9 (2006)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Four Year Plan Developed in conjunction with PFM and the Erie County Legislature called for the establishment of a comprehensive risk management plan, and

WHEREAS, a RFP has been issued to develop a comprehensive risk management plan, and

WHEREAS, a committee consisting of the County Attorney, County Comptroller, Commissioner of Personnel and Budget Director has reviewed the proposals and selected Brown & Brown, Inc. as best company to provide this service, and

WHEREAS, the Four Year Plan estimates savings generated by this plan will result in an \$8 million reduction of costs to taxpayers,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract in an amount not to exceed \$42,000 with Brown & Brown, Inc. for the development of a comprehensive risk management plan, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Comptroller, Commissioner of Personnel, County Attorney and Budget Director.  
(3-0)

**GEORGE A. HOLT  
CHAIRPERSON**

Item 16 – MR. SMITH presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

JANUARY 12, 2006

FINANCE & MANAGEMENT COMMITTEE  
REPORT NO. 1

ALL MEMBERS PRESENT. LEGISLATOR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 19E-58 (2005)  
**SMITH:** Letter to Erie County State Delegation Re: EC Fiscal Stability Authority  
(5-0)

**DEMONE A. SMITH  
CHAIRMAN**

Item 17 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

JANUARY 12, 2006

PUBLIC SAFETY COMMITTEE  
REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9E-5 (2005)  
**LEGISLATOR KENNEDY:** Copy of Letter to Local Delegation to State Legislature Re: State Under Funding of Probation Department  
 (5-0)
  - b. INTRO 11-8 (2005)  
**WEINSTEIN:** Funding 6 Probation Officer Positions  
 (5-0)
  - c. INTRO 11-9 (2005)  
**WEINSTEIN:** Opposition To Merged Police Forces  
 (5-0)
  - d. COMM. 13M-9 (2005)  
**PROBATION SECTION, CSEA LOCAL 815:** Federal Funding For Gang Suppression  
 (5-0)
  - e. COMM. 23E-33 (2005)  
**COUNTY EXECUTIVE:** CPS - Establishment of EC Wireless E-911 Surcharge  
 (5-0)
  - f. COMM. 24M-12 (2005)  
**ERIE COUNTY FISCAL STABILITY AUTHORITY:** Proposed Local Probation Fees for Cost Recovery Resolution  
 (5-0)
  - g. COMM. 24M-14 (2005)  
**ERIE COUNTY FISCAL STABILITY AUTHORITY:** Proposed Criminal History Record Information (Home Health Care) Fee Resolution  
 (5-0)
  - h. COMM. 24M-16 (2005)  
**WILLIAM BENNETT INTERVIEW:** Partial Transcript From Syndicated Talk Show "Morning In America"  
 (5-0)
  - i. COMM. 27M-12 (2005)  
**CSEA LOCAL 815:** Erie County Probation Dept. Funding  
 (5-0)

2. COMM. 31E-35 (2005)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Erie County CPS Forensic Lab has been awarded a Federal National Institute of Justice Grant to be administered by the Office of Justice Programs, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze DNA cases in a more efficient manner.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$130,479.00 with the Federal National Institute of Justice, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-SAP #165DNACAPENH0506  
Central Police Services  
Forensic Laboratory  
10/01/2005 to 09/30/2006

<u>Revenue</u>	<u>Increase</u>
Acct. 414000 - Federal Aid	<u>\$130,479</u>
Total Revenue	\$130,479
<u>Appropriation</u>	<u>Increase</u>
Acct. 516020 Professional Service Contracts	\$116,124
Acct. 561410 Lab& Tech Equipment	<u>\$ 14,355</u>
Total Appropriation	\$130,479

and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services.

(5-0)

3. COMM. 32E-15 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County CPS Forensic Lab has been awarded a National Forensic Sciences Improvement Act Grant to be administered by the New York State Division of Criminal Justice Services, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to improve the delivery of analytical services in shooting related investigations and decrease the backlog in the firearms section,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$42,728.00 with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund – SAP #165NFSIA0506  
Central Police Services  
Forensic Laboratory  
10/01/2005 to 11/30/2006

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	<u>\$42,728</u>
Total Revenue	\$42,728
<u>Appropriation</u>	<u>Increase</u>
Acct. 501000 Overtime	\$28,800
Acct. 502000 Fringe Benefits	\$ 2,304
Acct. 510100 Out of Area Travel	\$ 2,500
Acct. 516020 Prof. Services Contracts and Fees	\$ 2,500
Acct. 561410 Lab Equipment	<u>\$ 6,624</u>
Total Appropriation	\$42,728

and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services.  
(5-0)

**DANIEL M. KOZUB  
CHAIRPERSON**

Item 18 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

JANUARY 12, 2006

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER

1. RESOLVED, that the following items are hereby received and filed.
  - a. INTRO 2-4 (2005)  
**WEINSTEIN, RANZENHOFER, SWANICK, MCCARVILLE, CUSACK, & MARSHALL:** Endorsement of the Neighbor Notification Awareness Program  
 (4-0) Legislator Marinelli absent.
  - b. INTRO 23-7 (2005)  
**MCCARVILLE, CHASE & SWANICK:** Saving Cornell Cooperative Extension  
 (4-0) Legislator Marinelli absent.
  - c. COMM. 23E-12 (2005)  
**COUNTY EXECUTIVE:** Entering Intro Contract With City of Buffalo for Solid Waste Removal  
 (4-0) Legislator Marinelli absent.
  - d. COMM. 23E-46 (2005)  
**COMPTROLLER:** Letter to DeBenedetti & Wroblewski Re: City Park Payments  
 (4-0) Legislator Marinelli absent.
  - e. COMM. 28E-13 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 6 - Engineer Term Agreement - Work Order :DA-4  
 (4-0) Legislator Marinelli absent.
  - f. COMM. 28E-24 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Construction Inspection Service Agreement - Work Order: DG-1, Legislative Comm. 25E-32  
 (4-0) Legislator Marinelli absent.
  - g. COMM. 28M-6 (2005)  
**CITY OF BUFFALO COMMON COUNCIL:** Request for Comment of Proposed Legislation Re: Transfer of Erie Co.-Bflo. Div. Of Forestry Back to COB DPW  
 (4-0) Legislator Marinelli absent.
  - h. COMM. 31E-27 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 6 - SSTA - Disinfection Improvements - Contract No. 6ST-A - Change Order No. 2 - Summit Construction Group  
 (4-0) Legislator Marinelli absent.
  - i. COMM. 32E-12 (2005)  
**COUNTY EXECUTIVE:** ECSD #6/STSTA Disinfection Improvements - Contract No. 6ST-C - Change Order No. 1  
 (5-0)
  - j. COMM. 32E-13 (2005)

- COUNTY EXECUTIVE:** ECSD #6/STSTA Disinfection Improvements - Contract No. 6ST-C - Change Order No. 4  
(5-0)
- k. COMM. 32E-18 (2005)  
**COUNTY EXECUTIVE:** STSTA - Engineer Term Agreement - DiDonato Associates - Work Order: DA-5  
(5-0)
- l. COMM. 32E-19 (2005)  
**COUNTY EXECUTIVE:** ECSD #6/STSTA Disinfection Improvements - Contract No. 6ST-A - Change Order No. 3  
(5-0)
- m. COMM. 1E-16 (2005)  
**COUNTY EXECUTIVE:** ECSD Nos. 2&4 - Engineer Term Agreement  
(5-0)
- n. COMM. 1E-20 (2006)  
**COUNTY EXECUTIVE:** ECSD No. 3 & STSTA - Engineer Term Agreement - Work Order:URS-3, Legislative Comm. 21E-33  
(5-0)
- o. COMM. 1E-21 (2006)  
**COUNTY EXECUTIVE:** DEP - Sewerage Management - Engineer Term Agreement - Work Order: MPI-4  
(5-0)
2. COMM. 28E-14 (2005)  
**COUNTY EXECUTIVE**  
 WHEREAS, East Side Housing, L.P. is developing housing for very low income and low income households (Project), pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the project will be located on scatter site properties between the area bounded by Northampton Street on the North; Ellicott Street on the West; Jefferson Avenue on the East; and Dodge Street on the South, in the City Buffalo, New York. The project for very-low-income families consists of thirty newly constructed single family homes; and

WHEREAS, East Side Housing Opportunities Apartments will be managed by Belmont Shelter Corp.; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for very low income households it is necessary to obtain tax relief from the County of Erie and the City of Buffalo,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with East Side Housing, L.P. and the City of Buffalo relating to East Side Housing Opportunities Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual Payment in Lieu of Taxes (PILOT) of \$5,634 by East Side Housing, L.P. in the first year of the PILOT Agreement with a three (3) percent increase annually thereafter for a fifteen (15) year period, with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney. (4-0) Legislator Marinelli absent.

3. COMM. 28E-18 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnerships Program (HOME); and

WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,192,485.00 for fiscal year 2005 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnerships Act are to be provided to eligible Community Housing Development Organizations (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a first amendatory agreement to the October 3, 2003 contract with Southtowns Rural Preservation Company, Inc. (SRPC), and said amendatory agreement shall increase the authorized contract amount from \$357,411,000.00 to \$467,964.00 for the purpose of developing rental housing in the Town of Boston for low income households; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not to exceed \$467,964.00 in federal HOME Investment Partnerships funds to SRPC; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

- Completion of all state and federal environmental review requirements relative to the housing project.

- Completion of all necessary subsidy layering analysis as required by the federal Department of Housing and Urban Development;

and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of the Division of Budget, Management, and Finance, the County Comptroller, and the Commissioner of the Department of Environment and Planning.  
(4-0) Legislator Marinelli absent.

4. COMM. 31E-40 (2005) **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5 & 6 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2006 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2006 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 464,606.99
Sewer District #2	\$ 126,135.37
Sewer District #3	\$ 618,856.98
Sewer District #4	\$ 382,964.22
Sewer District #5	\$ 201,300.60
Sewer District #6	<u>\$ 1,01,002.11</u>
	\$2,824,866.27

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Joel A. Giambra, County Executive; Thomas J. Whetham, P.E., Deputy Commissioner; James Hartman, Erie County Comptroller; Joseph Maciejewski, Deputy Commissioner, Real Property; Gregory Dudek, Assistant County Attorney and Ken Vetter, Director of Budget, Management and Finance.

(5-0)

5. COMM. 1E-17 (2006)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 30 to Intercounty Paving Associates; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 30 in the final contract amount of \$797,194.00 which includes Change Order No. 2(final), a decrease of \$35,215.00, and release retention monies to the contractor. The funds for this contract were allocated from Sewer Capital, Erie County Sewer District No. 1, Fund No. C.00032 (430-694). The funds for Change Order No. 1 were allocated from Sewer Capital, Erie County Sewer District No. 5, Fund No. C.00056.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 30 between the County of Erie and Intercounty Paving Associates, LLC, 859 Willow Grove Street, Hackettstown, New Jersey 07840 be accepted in the amount of \$797,194.00, which includes Change Order No. 2(final), a decrease of \$35,215.00, and release of retention monies to Intercounty Paving Associates, LLC; and be it further

RESOLVED, that the Clerk of the Legislature be directed to two certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to County Executive Joel Giambra, County Executive; James M. Hartman, Comptroller; Ken Vetter, Director of Budget, Management and Finance; one certified copy to Gregory Dudek, Assistant County Attorney.

(5-0)

6. COMM. 1E-18 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has secured the services of Stearns and Wheler, LLC to provide engineering services to the Erie County Sewer District(s) and the Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement dated April 1, 2002 with Stearns and Wheler, LLC in the amount of \$99,293.65.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated April 1, 2002 between Erie County Sewer Districts/Southtowns Sewage Treatment Agency and Stearns and Wheler, LLC be formally closed-out in the final amount of \$99,293.65; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the contract encumbrance in the various Sewer Capital Accounts, between Erie County Sewer District/Southtowns Sewage Treatment Agency and Stearns and Wheler, LLC; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy each to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(5-0)

**THOMAS J. LOUGHRAN**  
**CHAIRMAN**

Item 19 – MR. KENNEDY presented the following report and moved for immediate consideration. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

JANUARY 12, 2006

ECONOMIC DEVELOPMENT COMMITTEE  
 REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 10-4 (2005)  
**RANZENHOFER & CUSACK:** Request that Federal Government And/Or State of New York Assume Erie County and City of Buffalo Share of Financing for Bass Pro Superstore (4-0)
  - b. INTRO 10-5 (2005)  
**RANZENHOFER & CUSACK:** The Forthcoming Bass Pro Superstore (4-0)
  - c. COMM. 25M-2 (2005)  
**BUFFALO PLACE:** 2006 Budget (4-0)
  - d. COMM. 31M-2 (2005)

**BUFFALO NIAGARA CONVENTION CENTER:** Copy of Letter to DPW Commissioner  
 Re: Condition of Buffalo Niagara Convention Center Roof  
 (4-0)

2. COMM. 27E-24 (200)

**COUNTY EXECUTIVE**

WHEREAS, Erie County Sewer District No. 2 has plans for sanitary sewer improvements in the vicinity of Lake Shore Road and Lake Street in the Town of Evans, and

WHEREAS, the Erie County Department of Public Works has plans for reconstruction of Lake Shore Road, including bridge replacement in the vicinity of Lake Shore Road and Lake Street, in the Town of Evans, and

WHEREAS, the Erie County Department of Public Works and the Erie County Department of Environment & Planning have combined their construction projects in this area into one contract known as Reconstruction of Lake Shore Road Bridge 111-5 over Delaware Creek, in order to alleviate inconvenience to the public and reduce costs to the rate payers, and

WHEREAS, bids were taken for the Reconstruction of Lake Shore Road Bridge 111-5 over Delaware Creek in the Town of Evans, on June 16, 2005, and the low bidder was Donald J. Braasch Construction, Inc. of Lakeview, New York, at a low bid amount of \$1,508,100.88 (Alternate A), and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Parsons Transportation Group and it has been determined that the contract must be increased to include additional Engineering Services and construction inspection services for the Erie County Department of Public Works' portion of the contract.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 111-5-05 for the Reconstruction of Lake Shore Road Bridge 111-5 over Delaware Creek, in the Town of Evans, between the County of Erie and the low bidder, Donald J. Braasch Construction, Inc. of Lakeview, New York, at a low bid amount of \$1,508,100.88 (Alternate A), and be it further,

RESOLVED, that a total amount of \$1,508,100.88 (Alternate A) be allocated as follows, \$780,801.02 from the 1996 Various Highway and Bridge Federal Aid Design Construction Program (SAP B.00089), \$399,439.01 from the 2001 Highway Reconstruction Program (SAP B.00017) and \$327,860.85 from Erie County Department of Environment and Planning Sewer District No. 2 (SAP C.00011 (430-340)) and an additional total amount of \$60,000.00 be allocated for a Department of Public Works Division of Highways construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$60,000.00 with \$25,000.00 allocated from the 1996 Various Highway and Bridge Federal Aid Design Construction Program (SAP B.00089) and \$35,000.00 allocated from the 2001 Highway Reconstruction Program (SAP B.00017), and be it further

RESOLVED, that a total amount of \$ 150,000.00 be allocated as follows: \$100,000.00 from the 1996 Various Highway and Bridge Federal Aid Design Construction Program (SAP B.00089) and \$50,000.00 from the 2001 Highway Reconstruction Program (SAP B.00017) for a change order for Construction Inspection to the contract for engineering services with Parsons Transportation Group, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works, and one copy to the Department of Public Works, Office of the Commissioner, the Office of the County Executive, the Division of Budget, Management & Finance, the Department of Environment & Planning, and the Office of the Comptroller.

(4-0)

3. COMM. 32E-10 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, the 2003 capital budget contains \$1,500,000 for Convention Center Renovations and Improvements, and

WHEREAS, the firm of Barton Hovey Nardini Tries currently has a term contract with the Department of Public Works to provide Architect/Engineering services at the Convention Center, and

WHEREAS, on May 24, 2001, your Honorable Body authorized the County Executive to enter into a General Architectural/Engineering Contract covering services for miscellaneous County projects with Barton Hovey Nardini Tries, and

WHEREAS, it is now desired to start design work for the 2006 Roof Replacement at the Convention Center so this project can be completed in 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Barton Hovey Nardini Tries to prepare contract documents and provide inspection services for the Buffalo Convention Center – 2006 Roof Replacement, and be it further,

RESOLVED, that the total amount paid for consulting services shall be in an amount, not to exceed \$75,000.00, including reimbursables, and be it further,

RESOLVED, that the fee allocation be taken from the 2003 Convention Center Renovations & Improvements Bond Account, SAP A.00078, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(4-0)

4. COMM. 1E-28 (2006)

**AS AMENDED**

**COUNTY EXECUTIVE**

WHEREAS, the New York Power Authority (NYPA) is seeking a fifty-year license from the Federal Energy Regulatory Commission (FERC) to continue to operate the Niagara Power Project, and

WHEREAS, The Federal Power Act, Section 10, directs FERC to provide mitigation compensation/settlements for damages to the natural environment, including lost recreational opportunities and environmental quality, and

WHEREAS, NYPA made an initial offer to the city of Buffalo and the county of Erie of \$2 million annually for fifty years, and

WHEREAS, in May of 2005, US Representative Brian Higgins advanced an alternative settlement of \$10 million per year, with those funds being directed to the newly established Erie Canal Harbor Development Corporation (ECHDC) for uses restricted to the design and construction of new waterfront projects including parks, public access and transportation infrastructure improvements, and

WHEREAS, the initial NYPA offer was clearly insufficient to address the impact of the Niagara Power Project in this region; its insufficiency was transmitted to NYPA via resolutions adopted unanimously by this Honorable Body, as well as by other public officials and legislative bodies, and

WHEREAS, in May of 2005, the Erie County Legislature quickly and unanimously supported Congressman Higgins' alternative proposal and its focus on local control of increased resources directed to repairing the damaged natural environment and reclamation of lost recreational opportunity due to the industrial use at the waterfront, and

WHEREAS, in a parallel action, the Buffalo Common Council stood alongside this Honorable Body and also unanimously adopted a resolution in support of the Higgins proposal, thus rejecting as insufficient the initial NYPA offer, and

WHEREAS, armed with the support of the Erie County Legislature and Buffalo Common Council, the fight for a fair and equitable settlement for Western New York gained the backing of other members of the federal congressional delegation, County Executive Joel Giambra, then-Mayor Anthony Masiello and Mayor Byron Brown of the City of Buffalo, Mayor Norman Polanski of the City of Lackawanna, state and local elected officials and boards and councils representing many towns and villages including Hamburg, Angola, Eden, Evans, Marilla, Holland, labor leaders, Buffalo Place, the Southtowns Walleye Association and thousands of citizens, and

WHEREAS, in early December, 2005, the County Executive, together with the City of Buffalo obtained an offer from NYPA that nearly tripled the \$2 million a year to \$279 million directed to waterfront remediation and redevelopment over a fifty year period, and

WHEREAS, this settlement requires adoption of an inter-municipal agreement which must be in the best interests of the County of Erie and approved by the Erie County Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the successful and expeditious redevelopment of the Lake Erie shoreline and of the waterfront areas of the city of Buffalo in particular, and be it further

RESOLVED, that this Honorable Body does hereby authorize the County Executive to execute such agreements as may be recommended by the Erie County Attorney as necessary and appropriate to obtain a settlement with NYPA in connection with the County's interests in the relicensing of the Niagara Power project, only if such agreements are consistent with each and all of the terms outlined herein:

1. Such agreement must provide that NYPA will make available to the ECHDC \$2.5 million annually, or an amount equal to the sum of one million dollars and the proceeds of the sale of five megawatts of Niagara hydropower, whichever is greater, each year for a period of fifty years, commencing with the issuance of the license for the Niagara Power Project in 2007;
2. Such agreement must provide that NYPA will additionally provide, either directly or via Empire State Development, \$1 million per year each year for a period of fifty years, commencing with the issuance of the license for the Niagara Power Project in 2007, or a lump sum payment equivalent to the estimated value of \$1 million per year over fifty years, either directly or via Empire State Development, such estimation being made using a generally accepted method and a generally accepted assumed rate of inflation, such as the Federal Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers, and not a discounted assumed rate of inflation;
3. Such agreement must provide that NYPA will additionally provide the ECHDC with \$2 million within sixty days of the execution of this settlement agreement for the construction of interpretive design elements in the vicinity of the Erie Canal Harbor Commercial Slip, and an additional \$2 million payment for the same purpose on the one-year-anniversary of the initial payment;
4. Such agreement must provide that NYPA shall relocate the ice boom to another location subject to approval by the ECHDC and any national or international agencies which must approve such a move from the land upon which the Ice Boom is presently stored at Buffalo's Outer Harbor, and that ECHDC will pay no more than \$1 for said transfer, and that said transfer shall occur as soon as the ice boom is moved to its new site, or within five years of the execution of this settlement, whichever is sooner;
5. Such agreement must provide that NYPA direct all payments which result from this settlement, other than the \$2 million provided annually for the Erie County Greenway Fund, to the ECHDC to be used solely for acquisition, remediation, demolition, design, engineering and construction associated with development and revitalization activities in the vicinity of Buffalo's Inner and Outer Harbor areas, and
6. Such agreement must provide that NYPA will make available \$2 million to the Erie County Greenway Fund each year for a period of fifty years, commencing with the issuance of the license for the Niagara Power Project in 2007.

RESOLVED, that the Clerk of the Erie County Legislature shall forward certified copies of this resolution to the Erie County Executive; to the Honorable Mayor and Common Council of the City of Buffalo; to the members of the state and federal legislative delegations; to the ECHDC; to

the Olmsted Parks Conservancy; to the Niagara Greenway Commission; and to the Secretary of the Board of Trustees of NYPA.

(4-0)

**TIMOTHY M. KENNEDY**  
**CHAIRPERSON**

MR. KENNEDY moved to separate Item No. 4 and move the balance of the report. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to amend Item No. 4. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 1E-28 (2005)  
 SUBMITTED BY LEGISLATOR KENNEDY

DELETE the resolution in its entirety and REPLACE with the following:

WHEREAS, the New York Power Authority (NYPA) is seeking a fifty-year license from the Federal Energy Regulatory Commission (FERC) to continue to operate the Niagara Power Project, and

WHEREAS, The Federal Power Act, Section 10, directs FERC to provide mitigation compensation/settlements for damages to the natural environment, including lost recreational opportunities and environmental quality, and

WHEREAS, NYPA made an initial offer to the city of Buffalo and the county of Erie of \$2 million annually for fifty years, and

WHEREAS, in May of 2005, US Representative Brian Higgins advanced an alternative settlement of \$10 million per year, with those funds being directed to the newly established Erie Canal Harbor Development Corporation (ECHDC) for uses restricted to the design and construction of new waterfront projects including parks, public access and transportation infrastructure improvements, and

WHEREAS, the initial NYPA offer was clearly insufficient to address the impact of the Niagara Power Project in this region; its insufficiency was transmitted to NYPA via resolutions adopted unanimously by this Honorable Body, as well as by other public officials and legislative bodies, and

WHEREAS, in May of 2005, the Erie County Legislature quickly and unanimously supported Congressman Higgins' alternative proposal and its focus on local control of increased

resources directed to repairing the damaged natural environment and reclamation of lost recreational opportunity due to the industrial use at the waterfront, and

WHEREAS, in a parallel action, the Buffalo Common Council stood alongside this Honorable Body and also unanimously adopted a resolution in support of the Higgins proposal, thus rejecting as insufficient the initial NYPA offer, and

WHEREAS, armed with the support of the Erie County Legislature and Buffalo Common Council, the fight for a fair and equitable settlement for Western New York gained the backing of other members of the federal congressional delegation, County Executive Joel Giambra, then-Mayor Anthony Masiello and Mayor Byron Brown of the City of Buffalo, Mayor Norman Polanski of the City of Lackawanna, state and local elected officials and boards and councils representing many towns and villages including Hamburg, Angola, Eden, Evans, Marilla, Holland, labor leaders, Buffalo Place, the Southtowns Walleye Association and thousands of citizens, and

WHEREAS, in early December, 2005, the County Executive, together with the City of Buffalo obtained an offer from NYPA that nearly tripled the \$2 million a year to \$279 million directed to waterfront remediation and redevelopment over a fifty year period, and

WHEREAS, this settlement requires adoption of an inter-municipal agreement which must be in the best interests of the County of Erie and approved by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the successful and expeditious redevelopment of the Lake Erie shoreline and of the waterfront areas of the city of Buffalo in particular, and be it further

RESOLVED, that this Honorable Body does hereby authorize the County Executive to execute such agreements as may be recommended by the Erie County Attorney as necessary and appropriate to obtain a settlement with NYPA in connection with the County's interests in the relicensing of the Niagara Power project, only if such agreements are consistent with each and all of the terms outlined herein:

1. Such agreement must provide that NYPA will make available to the ECHDC \$2.5 million annually, or an amount equal to the sum of \$1 million and the proceeds of the sale of five megawatts of Niagara hydropower, whichever is greater, each year for a period of fifty years, commencing with the issuance of the license for the Niagara Power Project in 2007;
2. Such agreement must provide that NYPA will additionally provide, either directly or via Empire State Development, \$1 million per year each year for a period of fifty years, commencing with the issuance of the license for the Niagara Power Project in 2007, or a lump sum payment equivalent to the estimated value of \$1 million per year over fifty years, either directly or via Empire State Development, such estimation being made using a generally accepted method and a generally accepted assumed rate of inflation, such as the Federal Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers, and not a discounted assumed rate of inflation;
3. Such agreement must provide that NYPA will additionally provide the ECHDC with \$2 million within sixty days of the execution of this settlement agreement for the construction of

interpretive design elements in the vicinity of the Erie Canal Harbor Commercial Slip, and an additional \$2 million payment for the same purpose on the one-year-anniversary of the initial payment;

4. Such agreement must provide that NYPA shall relocate the ice boom to another location subject to approval by the ECHDC and any national or international agencies which must approve such a move from the land upon which the Ice Boom is presently stored at Buffalo's Outer Harbor, and that ECHDC will pay no more than \$1 for said transfer, and that said transfer shall occur as soon as the ice boom is moved to its new site, or within five years of the execution of this settlement, whichever is sooner;

5. Such agreement must provide that NYPA direct all payments which result from this settlement, other than the \$2 million provided annually for the Erie County Greenway Fund, to the ECHDC to be used solely for acquisition, remediation, demolition, design, engineering and construction associated with development and revitalization activities in the vicinity of Buffalo's Inner and Outer Harbor areas, and

6. Such agreement must provide that NYPA will make available \$2 million to the Erie County Greenway Fund each year for a period of fifty years, commencing with the issuance of the license for the Niagara Power Project in 2007; and be it further

RESOLVED, that the Erie County Attorney is hereby directed to file a copy of the Final Settlement Agreement with the Erie County Legislature as soon as it is fully executed by all parties, and be it finally

RESOLVED, that the Clerk of the Erie County Legislature shall forward certified copies of this resolution to the Erie County Executive; to the Honorable Mayor and Common Council of the City of Buffalo; to the members of the state and federal legislative delegations; to the ECHDC; to the Olmsted Parks Conservancy; to the Niagara Greenway Commission; and to the Secretary of the Board of Trustees of NYPA.

MR. KENNEDY moved for the approval of Item No. 4 as amended. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 20 – MS. IANNELLO presented the following resolution and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

JANUARY 12, 2006

COMMUNITY ENRICHMENT COMMITTEE  
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR IANNELLO.

1. COMM. 32E-11 (2005)  
**COUNTY EXECUTIVE**

**MEETING NO. 2**  
**JANUARY 19, 2006**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Department of Social Services has been awarded a special grant by New York State for the implementation of an Enhanced Chemical Dependency Coordination Team for Severely Chemically Dependent Safety Net Consumers, and

WHEREAS, this grant funds the salary and fringe of two positions and necessary overhead for the implementation of this new program, and

WHEREAS, counseling services are to be provided through this program will be coordinated through the Department of Mental Health in an established contract with Spectrum Human Services, and

WHEREAS, Social Services staff will have dedicated caseloads and will administer a system of enhanced case identification, triage, engagement and service plan coordination for 250 recipients of public assistance to be served by the program, and

WHEREAS, there is no 2005 fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget is hereby established in Fund 281, Department 120 for the Enhanced Chemical Coordination Team for the period January 1, 2006 through December 31, 2006:

Department of Social Services, Department 120, Fund 281

<u>Account</u>	<u>Description</u>	<u>Amount</u>
407540	State Revenue	<u>\$123,720</u>
	Total Revenue	<u>\$123,720</u>

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Personal Services	\$90,553
502000	Fringe Benefits	27,167
912000	Allocated Indirect Expenses	<u>6,000</u>
	Total Appropriation	<u>\$123,720</u>

and be it further

RESOLVED, that the following two staff positions are created in the new grant fund:

- |     |                                |       |
|-----|--------------------------------|-------|
| (1) | Head Social Welfare Examiner   | JG 10 |
| (1) | Senior Social Welfare Examiner | JG 7  |

and be it further

**MEETING NO. 2  
JANUARY 19, 2006**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Commissioner of Mental Health, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(3-0)

2. COMM. 32E-22 (2005)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds in the Long Term Care Insurance Education and Outreach Program (LTCIEOP) grant for the period April 1, 2005 to March 31, 2006, and

WHEREAS, the Department of Senior Services (Department) is responsible for informing and educating the general public about long term care insurance, including those policies that are available through the New York State Partnership for Long Term Care, and

WHEREAS, the Department desires to coordinate a one-day long term care fair whereby the general public can obtain long term care information from the various long term health care vendors, and

WHEREAS, the vendor participants will be expected to cover part of the costs of this fair, and

WHEREAS, the LTCIEOP grant budget needs to be revised in order to achieve this goal, and

WHEREAS, no County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept funds from the various vendors who participate in the fair, and be it further

RESOLVED, that the budget for the LTCIEOP grant, 163LTCIEOP0506, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
466000	Miscellaneous Receipts	\$0	\$6,000	\$6,000
	<b>TOTAL REVENUE</b>	<b>\$0</b>	<b>\$6,000</b>	<b>6,000</b>
<b>APPROPRIATIONS</b>				
505000	Office Supplies	\$1,500	-\$1,000	\$500
510000	Local Mileage	1,100	-\$100	1,000

**MEETING NO. 2  
JANUARY 19, 2006**

**ERIE COUNTY LEGISLATURE**

	Reimbursement			
510100	Out of Area Travel	1,000	-\$400	600
516020	Professional Services & Fees	500	5,000	5,500
530000	Other Expenses	3,171	250	3,421
545000	Rental Expenses	1,400	2,000	3,400
561410	Lab & Tech Equipment	16,650	-1,650	15,000
980000	ID DISS Services	1,400	1,900	3,300
	<b>TOTAL APPROPRIATIONS</b>	<b>\$26,721</b>	<b>\$6,000</b>	<b>\$32,721</b>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office, and the Department of Senior Services.

(3-0)

**GEORGE A. HOLT, JR.  
VICE-CHAIR**

FOR

**MICHELE M. IANNELLO  
CHAIRPERSON**

**LEGISLATOR RESOLUTIONS**

Item 21 – CHAIRMAN MARINELLI directed the following resolution be directed to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 2-1 from LEGISLATOR HOLT Re: Regulation of the Use of All-Terrain Vehicles by Juveniles in Erie County and New York State

Item 22 – CHAIRMAN MARINELLI directed the following resolution be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 2-2 from LEGISLATORS MARINELLI, WHYTE & KONST Re: Revenue Recovery Unit

Item 23 – CHAIRMAN MARINELLI directed the following resolution be directed to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 2-3 from LEGISLATOR IANNELLO Re: Transfer of District Office Funds to Erie County General Fund Account

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 24 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 1E-11. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

RE: Civil Service Fee Increase

WHEREAS, the Four Year Plan approved by the Erie County Legislature calls for an increase in Civil Service Fees consistent with regional and large county norms (Initiative 35), and

WHEREAS, Erie County currently loses money on each state mandated Civil Service exam administered by the Personnel Department, and

WHEREAS, County Civil Service Exam Fees have not been increased since 1991 while New York State continues to increase its charge to Erie County,

NOW, THEREFORE BE IT,

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Personnel Department to Fees at the following rate:

Decentralized Exams:	\$15.00
State Exams:	\$20.00
Uniformed Service:	\$30.00

RESOLVED, that the certified copies of this resolution be forwarded to the County Executive, Commissioner of Personnel, Budget Director and Erie County Comptroller.

MS. WHYTE moved to amend the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

ADD the following RESOLVED clause:

RESOLVED, that in anticipation of future fee increases by New York State, the Erie County Personnel Department is authorized to increase the County Fee charged for Civil Service exams by the amount of any future State increase.

**MEETING NO. 2**  
**JANUARY 19, 2006**

**ERIE COUNTY LEGISLATURE**

Item 25 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 1E-8. MR. HOLT seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

RESOLUTION NO. 16

RE: Cultural/Research Funding

WHEREAS, Culturals, cultural tourism and medical research are important components of economic development and community enrichment in Erie County. Funding for these institutions has decreased precipitously in the recent past, and

WHEREAS The Buffalo Niagara Convention and Tourism Bureau (Film Commission), Studio Arena Theater, the Buffalo Society for Natural Sciences (Science Museum) and the Hauptman-Woodward Research Institute are in need of funding that is not currently designated in the 2006 Erie County budget.

NOW, THEREFORE, BE IT

RESOLVED, that a designation of \$400,000 from Erie County's Regional Cultural Assets Operating Fund, account 516000 for the Buffalo Society for Natural Sciences (Science Museum) be made, and be it further

RESOLVED, that a designation of \$200,000 from Erie County's Cultural Tourism Development and Marketing Fund , account 516000 for the Studio Arena Theater be made, and be it further

RESOLVED, that a designation of \$150,000 from Erie County's Cultural Tourism Development and Marketing Fund , account 516000 to the Buffalo Niagara Convention and Tourism Bureau for the Film Commission be made, and be it further

RESOLVED, that a designation of \$50,000 from Erie County's Cultural Tourism Development and Marketing Fund , account 516000 be made for the Hauptman-Woodward Research Institute, and be it further

RESOLVED, that, pursuant to this legislation, that the County Executive be authorized to enter into appropriate contracts with the aforementioned organizations, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, and the County Executive.

MS. WHYTE moved for approval of the item. MR. REYNOLDS seconded. MR. RANZENHOFER and MR. SMITH in the negative.

CARRIED.

**MEETING NO. 2  
JANUARY 19, 2006**

**ERIE COUNTY LEGISLATURE**

Item 26 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 1E-10. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

RE: Open Item - Sheriff Dispatch Positions in CPS

MS. WHYTE moved to amend the item by attaching the following resolution. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

DELETE the resolution in its entirety and REPLACE with the following:

WHEREAS, in 2001 public safety representatives from all disciplines and from across all jurisdictions in Erie County met to discuss ways to improve the public safety delivery system in Erie County, and

WHEREAS, one of the major constraints identified by this group was the lack of infrastructure to accommodate the different public safety disciplines who wanted to work together, and

WHEREAS, as a result of this identified gap, in 2003, Erie County began construction of a Public Safety Campus which includes a county communications center and emergency operations center, and

WHEREAS, participants in the new communications center were referenced to as ‘willing partners’ and included Erie County Emergency Medical Services Emergency Radio Systems Services (MERS), Erie County Sheriff’s Emergency Communications, Erie County Central Police Services Communications Center, City of Buffalo Fire and City of Buffalo Police Public Safety Communications functions, and

WHEREAS, the 2006 Adopted County Budget created the Department of Public Safety and consolidated all county public safety communications under this department, and

WHEREAS, included in this consolidation was the elimination of 15 Dispatcher (Sheriff) positions from the Sheriff’s Budget and the creation of 10 Dispatcher (Sheriff) positions in the Central Police Services Budget, and

WHEREAS, for this consolidation to succeed the new county communications center plays a critical role, and

WHEREAS, the new Erie County Department of Public Safety Communications Center will not be ready for occupancy until April 2006,

NOW, THEREFORE BE IT

RESOLVED, that the following transfers take place for a period of January 1, 2006 through May 1, 2006:

7 (seven) Dispatcher (Sheriff) - transferred from Central Police Services to the Sheriff Division

3 (three) Dispatcher (Sheriff) 55A - transferred from Central Police Services to the Sheriff Division

and be it further

RESOLVED, that effective May 1, 2006 the above positions shall return to the Department of Public Safety – Central Police Services and be administered under their budget, and be it further

RESOLVED, that authorization is hereby provided to transfer funds in the 2006 County operating Budget from the Department of Central Police Services, account 500000 full-time salaries, in the amount of \$130,750 to the Sheriff's Office account 500000 full-time salaries, to properly fund this request, and be it further

RESOLVED, that the following positions originally deleted in the 2006 Budget are restored in the Budget of the Sheriff Division until May 1, 2006 upon which time they shall be eliminated:

4 (four) Dispatcher (Sheriff)  
and be it further

RESOLVED, that authorization is hereby provided to transfer anticipated available balances in the 2006 County Operating Budget from the Sheriff's Jail Management Division, in the amount of \$63,000 from account 516050, Contractual ECMC, to account 500000, full-time salaries, in the Sheriff's Division, to temporarily restore the 4 Dispatcher Sheriff positions, and be it further

RESOLVED, that resolution in its entirety is contingent upon written confirmation by the Erie County Comptroller's Office that the funds noted in the 3<sup>rd</sup> and 5<sup>th</sup> RESOLVED clauses are available.

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Sheriff's Office, the Department of Personnel, the Office of the Comptroller and the Department of Central Police Services.

MS. WHYTE moved for approval of the item as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 27 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

MS. WHYTE for immediate consideration and approval of the following resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

RE: Acceptance by Local Tax Collectors of Partial Payments of Current Year Real Property Taxes Under the Erie County Tax Act (INTRO 2-4)

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR MARINELLI

RE: ACCEPTANCE BY LOCAL TAX COLLECTORS OF PARTIAL PAYMENTS OF CURRENT YEAR REAL PROPERTY TAXES UNDER THE ERIE COUNTY TAX ACT

ASSEMBLY

WHEREAS, local tax collectors and tax receivers are presently authorized under the Erie County Tax Act to accept only full payment, or payments in prescribed installment amounts, of current year school, town and county real property taxes, and

WHEREAS, the Association of Erie County Tax Receivers & Collectors has requested that the law be amended, as was previously and successfully done with respect to current year tax collections by the Commissioner of Finance, so as to authorize their acceptance of partial payments of current year taxes in any dollar amount, and

WHEREAS, failure to authorize the acceptance of partial payments of current year taxes in any dollar amount frustrates and disadvantages otherwise willing taxpayers, and

WHEREAS, Assembly Bill No. A.9529 and Senate Bill No. S.6429, now pending before the New York State Legislature, would authorize local tax collectors and tax receivers to accept partial tax payments in any dollar amount;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.9529, entitled "AN ACT to amend the Erie County Tax Act, in relation to the receipt of partial payments to be applied toward current fiscal year taxes"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize local tax collectors and tax receivers to accept partial payments of current year taxes will needlessly frustrate and disadvantage otherwise willing taxpayers.

Such request is made by the chief executive officer of such local government concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

RE: ACCEPTANCE BY LOCAL TAX COLLECTORS OF PARTIAL PAYMENTS OF  
 CURRENT YEAR REAL PROPERTY TAXES UNDER THE ERIE COUNTY TAX ACT

SENATE

WHEREAS, local tax collectors and tax receivers are presently authorized under the Erie County Tax Act to accept only full payment, or payments in prescribed installment amounts, of current year school, town and county real property taxes, and

WHEREAS, the Association of Erie County Tax Receivers & Collectors has requested that the law be amended, as was previously and successfully done with respect to current year tax collections by the Commissioner of Finance, so as to authorize their acceptance of partial payments of current year taxes in any dollar amount, and

WHEREAS, failure to authorize the acceptance of partial payments of current year taxes in any dollar amount needlessly frustrates and disadvantages otherwise willing taxpayers, and

WHEREAS, Senate Bill No. S.6429 and Assembly Bill No. A.9529, now pending before the New York State Legislature, would authorize local tax collectors and tax receivers to accept partial tax payments in any dollar amount;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE  
 TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

**MEETING NO. 2  
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**ERIE COUNTY LEGISLATURE**

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.6429, entitled "AN ACT to amend the Erie County Tax Act, in relation to the receipt of partial payments to be applied toward current fiscal year taxes"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize local tax collectors and tax receivers to accept partial payments of current year taxes will needlessly frustrate and disadvantage otherwise willing taxpayers.

Such request is made by the chief executive officer of such local government concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

Item 28 – MR. LOUGHRAN moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN MARINELLI granted that the item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 2-5 from LOUGHRAN Re: Distribution of Sales Tax Revenue

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 29 – (Comm. 2E-1) Observations on ECMCC Settlement Agreement with the COE  
Received and filed.

**FROM THE COUNTY EXECUTIVE**

Item 30 – (Comm. 2E-2) Copy of Letter to Mayor of Buffalo Re: City/County-Stat

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 31 – (Comm. 2E-3) Copy of Letter to County Executive Re: 2006 Lobbying Efforts

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 32 – (Comm. 2E-4) Letter to Legislature Re: Home Rule Requests for Fees Approved in 2006 Budget

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 33 – (Comm. 2E-5) Copy of Letter to ECFSA Chairman Re: Modifications to Four-Year Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 34 – (Comm. 2E-6) Erie County Financial Implications Relative to Assembly Proposal A.9461 - Imposition of Sales and Compensating Use Tax

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 35 – (Comm. 2E-7) Extension of Erie County's Additional 1% Sales Tax Authority; Home Rule Request Resolution for Senate Bill No. S.6300

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 36 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

RE: Appointments/Reappointments to the Erie County Fire Advisory Board (Comm. 2E-8)

RESOLVED, the Erie County Legislature does hereby confirm the appointment/reappointment of the following individuals to the Erie County Fire Advisory Board:

**APPOINTMENTS**

<u>Name</u>	<u>Term Expiration</u>
Todd Catalano 10600 Olean Road Chaffee, NY 14030	December 31, 2007
James Pluta 6973 Boston State Road Boston, NY 14025	December 31, 2007
Charles Stuart 4 Lynbrook Drive Tonawanda, NY 14150	December 31, 2007

**REAPPOINTMENTS**

Dennis Allen 80 Center Street Angola, NY 14006	December 31, 2007
Bruce Atkins 50 Jamaica Road Tonawanda, NY 14150	December 31, 2007
Charles Bethge 90 Winona Road Elma, NY 14059	December 31, 2007
Mr. William Boldt 36 Lein Road West Seneca, NY 14224	December 31, 2007
Daniel Carrier 102 Temple Drive Cheektowaga, NY 14225	December 31, 2007
Donald Connolly 116 Kingsbury Lane Tonawanda, NY 14150	December 31, 2007
Michael Gates	December 31, 2007

**MEETING NO. 2  
JANUARY 19, 2006****ERIE COUNTY LEGISLATURE**

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Lakeshore Volunteer Fire Company  
4744 Kennison Parkway  
Hamburg, NY 14075

Dennis Gibbs  
10 Nantucket Drive West  
Cheektowaga, NY 14225

December 31, 2007

Chris Higgins  
P.O. Box 124  
Wales Center, NY 14169

December 31, 2007

Mr. Daniel F. Kamman  
93 King Street  
Tonawanda, NY 14223

December 31, 2007

Mr. Douglas J. Larkin  
5170 Bank Street  
Clarence, NY 14031

December 31, 2007

Mr. Richard M. Litfin  
7 Washington Street  
Arkon, NY 14001

December 31, 2007

Richard Mariani  
278 Fawn Trail  
West Seneca, NY 14224

December 31, 2007

Mr. Robert L. Mueller  
6471 Broadway  
Lancaster, NY 14086

December 31, 2007

Mr. Edward J. Saternus  
27 Zeller Lane  
Cheektowaga, NY 14227

December 31, 2007

William Szewc  
30 Bielak Road  
Orchard Park, NY 14127

December 31, 2007

Mr. Gerald J. Whittington  
2391 Bullis Road  
Elma, NY 14059

December 31, 2007

Mr. John R. Wicka  
5791 Apollo Drive  
Lakeview, NY 14085

December 31, 2007

Item 37 – (Comm. 2E-9) Reappointments to the Erie County Cultural Resources Advisory Board (CRAB)

Received, Filed and Printed.

January 17, 2006

The Honorable  
Erie County Legislature  
25 Delaware Avenue.  
Buffalo, New York 14202

**Re: Reappointments to the Erie County Cultural Resources Advisory Board (CRAB)**

Honorable Members:

Pursuant to Article III, Section 3.02 (f) of the Erie County Charter and Article 19, Section 19.01 of the Erie County Administrative Code, I hereby reappoint the following individuals to the Erie County Charter Resources Advisory Board for the term noted below.

<u>NAME &amp; ADDRESS</u>	<u>TERM EXPIRATION</u>
Barbara Baker Hunt Real Estate 4959 Sheridan Drive Williamsville, New York 14221	December 31, 2007
Steven Biltekoff 600 Main Street Buffalo, New York 14202	December 31, 2007
Constance Constantine 600 N. Davis Road Elma, New York 14059	December 31, 2007
Wick Hannan 49 Chatham Avenue Buffalo, New York 14216	December 31, 2007
Stanton Hudson, Jr. Hudson & Associates c/o 839 Auburn Avenue Buffalo, New York 14222	December 31, 2007

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Melonya Johnson Greater East Aurora Chamber of Commerce 431 Main Street East Aurora, New York 14052	December 31, 2007
Faye Levy 56 Lexington Avenue Buffalo, New York 14222	December 31, 2007
Francesca Mesiah 78 Crescent Avenue Buffalo, New York 14214	December 31, 2007
Michael Noville 2470 Bauer Road Eden, New York 14057	December 31, 2007
Hal Payne, Chairman Vice President, Student Affairs Buffalo State College 1300 Elmwood Avenue G.C. 513 Buffalo, New York 14222	Unexpired
Sharon Randaccio Performance Partners Village Business Park Center 6400 Main Street, Suite 150 Williamsville, New York 14221	December 31, 2007
Margaret Roblin 29 Colonial Circle Buffalo, New York 14222	December 31, 2007
Kate Ross Chief Executive Officer Tartan Hound 6210 Old Lake Shore Road Lake View, New York 14085	December 31, 2007
Catherine Schweitzer 245 Middlesex Road Buffalo, New York 14216	December 31, 2007
Roger Simon Gibson, McAskill & Crosby 69 Delaware Avenue, Suite 810 Buffalo, New York 14202	December 31, 2007

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**ERIE COUNTY LEGISLATURE**

Sandra White  
 Buffalo, City Hall, Room 920  
 65 Niagara Square  
 Buffalo, New York 14202

December 31, 2007

Dennis Wisniewski  
 31 Westgate Drive  
 East Aurora, New York 14052

December 31, 2007

Leslie Zemsky  
 181 Morris Avenue  
 Buffalo, New York 14214

December 31, 2007

Very truly yours,

**JOEL A. GIAMBRA**  
**ERIE COUNTY EXECUTIVE**

JAG/jdl

Cc: Appointees  
 Drew Eszak, Commissioner Department of Environment and Planning  
 Linda Grant, Director Office of Arts, Culture and Tourism

Item 38 – (Comm. 2E-10) Appointment to the BECPL Board of Trustees

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 39 – (Comm. 2E-11) Reappointment to CPS Board of Trustees

Received, Filed and Printed.

January 17, 2006

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Reappointment to Central Police Services Board of Trustees

Honorable Members:

Pursuant to Article 11-D-03 of the Erie County Administrative Code, I, Joel A. Giambra, Erie County Executive, do hereby reappoint the following individual to the Central Police Services Board of Trustees:

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**ERIE COUNTY LEGISLATURE**

<u>Name</u>	<u>Term Expires</u>
D. Patrick Curley 48 Harvard Place Orchard Park, New York 14127	December 31, 2006

Very truly yours,

JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE

JAG/jdl

Cc: D. Patrick Curley  
Commissioner Kevin Comerford

Item 40 – (Comm. 2E-12) Appointment of Director of the ECMCC

Received and referred to the HEALTH COMMITTEE.

Item 41 – (Comm. 2E-13) Semi-Annual Attendance Records - Board of Trustees – ECSDs

Received and filed.

Item 42 – (Comm. 2E-14) 2006 Annual Action Plan for the Community Development Block Grant - Emergency Shelter Grant, & Home Investment Partnership Program - As Submitted by the Erie County/Home Investment Consortium

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 43 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

RE: Position Reclassification (Comm. 2E-15)

WHEREAS, as the result of a retirement in the Personnel Department, it is necessary to reclassify a position to insure an appropriate level of civil service administration,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Personnel Department is hereby authorized to delete one position of Data Entry Operator (RPT) and create one position of Personnel Specialist (PT), there being sufficient funds in the budget of the Personnel Department for this purpose, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of Personnel, County Executive, the County Comptroller and the Director of Budget.

Item 44 – (Comm. 2E-16) Reappointment of a Non-Voting Member of the ECMCC

Received and referred to the HEALTH COMMITTEE.

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

RE: Transfer of Funds for Satellite Auto  
Bureaus (Comm. 2E-17)

WHEREAS, the 2006 budget includes funding for the establishment of auto bureau satellite offices in an effort to recapture revenues lost by the closing of two of the four auto bureaus in 2005, and

WHEREAS, the 2006 budget projects that the transactions generated by the satellite offices will result in \$2 million in revenue for Erie County based upon opening in January, and

WHEREAS, the unanticipated decision of the NYS Department of Motor Vehicles to not allow the utilization of existing County T-1 lines for use at the various satellite auto bureaus, now necessitates the installation and maintenance of these lines by the County, and

WHEREAS, additional expenses for one-time start-costs in the satellite locations are required for the opening of these facilities, and

WHEREAS, the County Clerk's budget request as adopted for 2006 does not include sufficient funds for these purposes and that the County Clerk has requested that the funds be appropriated in the 2006 Budget of the Auto Bureau for the above stated purposes, in order that the anticipated revenues from the satellites be returned to the County as soon as possible.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to adjust expense accounts in the 2006 County Operating Budget as follows:

<b>County Clerk Auto Bureau</b>	<b>Increase</b>
Acct. 506200 - Maintenance & Repair	\$10,150
Acct. 561420 - Office Equipment	\$ 1,400
Acct. 561410 - Lab & Tech	\$80,480
<b>County Wide Budget Accounts</b>	<b>Decrease</b>
Acct. 502000 - Fringe Benefits	\$92,030
Net Change	- 0 -

and be if further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, and the Director of Budget, Management and Finance.

Item 46 – (Comm. 2E-18) Senior Services - Authorization to Contract with an Additional Home Care Provider

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR WEINSTEIN

Item 47 – (Comm. 2E-19) 2006 Minority Committee Assignments

Received, Filed and Printed.

**To:** Lynn M. Marinelli, Chairperson  
**From:** Barry A. Weinstein, Minority Leader  
**Date:** 1/12/2006  
**Re:** 2006 Minority Committee Assignments

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**2006 COMMITTEE ASSIGNMENTS**

Energy & Environment

John Mills

Finance & Management

John Mills

Government Affairs

Michael Ranzenhofer

Health

Barry Weinstein

Public Safety

John Mills

FROM LEGISLATOR MAZUR

Item 48 – MS. WHITE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded. MR. MAZUR abstained.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

RE: 2006 Legislative Office Space Lease  
(Comm. 2E-20)

RESOLVED, the Erie County Executive is hereby authorized to to sign a One (1) Year Lease Agreement with Raymond F. Dora, located at 1214 Walden Ave., Cheektowaga, New York, front for Legislative Office Space for Thomas J. Mazur at a monthly rate of \$495.00.

FROM LEGISLATOR KONST

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

RE: 2006 Legislative Office Space Lease  
(Comm. 2E-21)

RESOLVED, the Erie County Executive is hereby authorized to to sign a One (1) Year Lease Agreement with Lancaster Area Chamber of Commerce, located at 41 Central. Ave., Lancaster, New York for Legislative Office Space for Kathy Konst at a monthly rate of \$550.00.

FROM LEGISLATOR MARINELLI

Item 50 – (Comm. 2E-22) Copy of Letter to Election Commissioners Re: HAVA

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM BUDGET, MANAGEMENT & FINANCE

Item 51 – (Comm. 2D-1) BMR for Period Ending 10/31/05

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 52 – (Comm. 2D-2) Local Law No. 10-2005

Received, Filed and Printed.

January 9, 2006

**VIA HAND DELIVERY**

**MEETING NO. 2**  
**JANUARY 19, 2006**

**ERIE COUNTY LEGISLATURE**

Kevin M. Kelley, Clerk  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: LOCAL LAW No. 10-2005**

Dear Mr. Kelley:

Enclosed is a certified copy of the above mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing.

Very truly yours,

LAURENCE K. RUBIN  
Erie County Attorney

BY: GREGORY J. DUDEK  
Assistant County Attorney

GJD/crj  
Enc.

*Local Law Filing*

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
~~x City~~ Erie  
~~x Town~~ of.....  
~~x Village~~

Local Law No. 10 of the year 2005

A local law amending Local Law No. 1-1959, constituting the Erie County  
(Insert Title)  
Charter as amended in relation to the re-establishment,  
restructuring and reconvening of the Erie County Charter  
Revision Commission.

Be it enacted by the Legislature of the  
(Name of Legislative Body)

County  
~~x City~~ Erie  
~~x Town~~ of..... as follows:  
~~x Village~~

Section 1. PURPOSE. On April 7, 2005 the Erie County Legislature approved Local Law Intro. 5-2005, amending Section 1907 of Article 19 of Local Law #1-1959 constituting the Erie County Charter, as amended, and concerning the re-establishment of the Erie County Charter Revision Commission. On May 3, 2005, the Erie County Executive approved said Local Law, which became known as Local Law No. 4-2005. The Charter Revision Commission has requested that the date by which they must report to the Legislature and Executive with their findings, advisory recommendations and report be extended from April 15, 2006 as indicated in Local Law No. 4-2005 to July 16, 2006. Accordingly, the purpose of this Local Law is to change the date by which the Erie County Charter Revision Commission reports to the Erie County Legislature and Erie County Executive with its recommendations and report.

Section 2. CHARTER REVISION COMMISSION REPORT. The Charter Revision Commission shall submit a final report, which shall include its findings, conclusions, and advisory recommendations for appropriate action to the County Legislature and the County Executive on or before the 15th day of July, 2006.

Section 3. EFFECTIVE DATE. This Local Law shall take effect immediately upon its filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. 10 of 2005 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on December 1, 2005, and was (approved)(not approved)(repassed after ~~disapproval~~) by the Erie County Executive and was deemed duly adopted on December 29, 2005, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

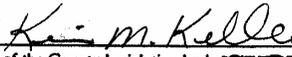
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

  
\_\_\_\_\_  
Clerk of the County legislative body ~~City, Town or Village~~  
~~or officer designated by local legislative body~~

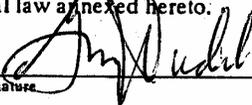
(Seal)

Date: 1-9-06

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

Assistant County Attorney  
\_\_\_\_\_  
Title

County  
~~City~~ of Erie  
~~Town~~  
~~Village~~

Date: January 9, 2006

A Public Hearing was held on the foregoing Local Law Intro. No. 13-2005 on Wednesday, December 14, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 29<sup>th</sup> day of December, 2005.



A Public Hearing was held on the foregoing Local Law Intro. No. 13-2005 on Wednesday, December 14, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this \_\_\_\_ day of December, 2005.

I:\DUDEK\Local Laws\Local Law Intro 13-2005\Approval-Disapproval sheet.wpd

FROM BUDGET, MANAGEMENT & FINANCE

Item 53 – (Comm. 2D-3) OPEN ITEM: Correction of Errors on Petitions

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE OFFICE OF THE COMPTROLLER

Item 54 – (Comm. 2D-4) Copy of Letter to Marinelli Re: Vacancies on the Erie County Audit Committee

Item 55 – (Comm. 2D-5) Copy of Letter to Director of DISS Re: Scheduled Audit on Cellular Telephones & Wireless Devices

The above two items were received and filed.

FROM THE COMMUNITY COLLEGE

Item 56 – (Comm. 2D-6) Notice of Board of Trustees Meeting to be held 1/2/06

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 57 – MS. WHYTE presented the following item and moved for immediate consideration. MR. KENNEDY seconded. MR. HOLT and MR. WEINSTEIN abstained.

CARRIED.

RESOLUTION NO. 25

RE: Legislature District Offices (Comm. 2D-7)

January 17, 2006

Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

Dear Legislators:

In the event that today's eleven o'clock (11:00 a.m.) deadline passes before Legislators have an opportunity to have their district office leases clocked-in, please be advised that this letter may be used as a vehicle to amend at the regular session scheduled for Thursday, January 19, 2006.

Thank You.

Sincerely

Kevin M. Kelley  
Clerk of the Legislature.

MS. WHYTE moved to amend the item by attaching the following resolution. MR. KOZUB seconded. MR. HOLT and MR. WEINSTEIN abstained.

CARRIED.

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Towne Gardens Ltd., located at 427 William Street, Buffalo, New York, for Legislative Office Space for George A. Holt, Jr at a monthly rate of \$625.00.

RESOLVED, the Erie County Executive is hereby authorized to sign a One (2) Year Lease Agreement with The Center of Williamsville, located at 5500 Main Street, Williamsville, NY, Suite 204A for Legislative Office Space for Barry A. Weinstein, MD at a monthly rate of \$689.00.

MS. WHYTE moved for approval of the item. MR. KENNEDY seconded. MR. HOLT and MR. WEINSTEIN abstained.

CARRIED.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE ECIDA**

Item 58 – (Comm. 2M-1) Notice of Board of Directors Meeting Held 1/17/06

Received and filed.

**FROM THE CITY OF BUFFALO COMMON COUNCIL**

Item 59 – (Comm. 2M-2) Certified Resolution Re: Sales Tax Resolution

Received and filed.

Item 60 – (Comm. 2M-3) County Reneging on Tree Mainenance

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE BOARD OF HEALTH**

Item 61 – (Comm. 2M-4) Notice of Public Hearing Re: Amending EC Sanitary Code, Article XXII - Regulations of Tattoo Artists and Establishments

Received and filed.

**FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL**

Item 62 – (Comm. 2M-5) Notice & Agenda of Meeting Held 1/17/06

Received and filed.

**FROM THE TONAWANDA TOWN BOARD**

Item 63 – (Comm. 2M-6) Certified Resolution Re: Direct Payment of Erie County Sales Tax to Town

**MEMORIAL RESOLUTIONS**

Item 64 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Mrs. Ray Abramowitz.

Item 65 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Luke Brown.

Item 66 – Ms. Whyte requested that when the Legislature adjourns, it do so in memory of Robert Harris.

Item 67 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of Salvatore “Sam” LaGreca.

Item 68 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Joe J. Geraci.

Item 69 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Richard “Mike” Pelligrino.

Item 70 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Barbara Feuz.

Item 71 – Mr. Loughran requested that when the Legislature adjourns, it do so in memory of Frank J. Sarago.

Item 72 – Mr. Loughran requested that when the Legislature adjourns, it do so in memory of William “Sarge” Bambach, Jr.

### **ADJOURNMENT**

Item 73 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. MILLS moved that the Legislature adjourn until Thursday, February 2, 2006 at 2 p.m. Eastern Standard Time. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, February 2, 2006 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY  
CLERK**